

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION**

<b>KENNY LANE,</b>	)	
	)	
<b>Plaintiff/Counter-Defendant,</b>	)	
	)	
<b>v.</b>	)	<b>No.: 3:10cv556</b>
	)	<b>(VARLAN/GUYTON)</b>
<b>SUNTRUST BANK,</b>	)	
	)	
<b>Defendant/Counter-Plaintiff.</b>	)	
	)	

**AGREED MEMORANDUM**

Counter-Plaintiff SunTrust Bank having filed and served a motion for summary judgment pursuant to Rule 56 against Counter-Defendant Kenny Lane on January 14, 2011, the Court hereby finds as follows:

1. Counter-Defendant failed to respond to the motion in a timely manner and therefore the facts alleged in the motion are deemed admitted pursuant to Rule 56(d);

2. As a result of Counter-Defendant's admission of the facts alleged in SunTrust's motion for summary judgment, no genuine issue of material fact exists and the motion for summary judgment [Doc. 10] shall be and hereby is **GRANTED**;

3. Counter-Defendant Kenny Lane's request for an injunction pursuant to Tenn. Code Ann. 29-23-201 shall be and is hereby **DENIED**;

4. Counter-Defendant Kenny Lane's Motion to Dismiss or Remand [Doc. 8] shall be and is hereby **DENIED**;

5. Judgment is therefore entered in favor of SunTrust with respect to the liquidated liability of Kenny Lane on the SunTrust Notes in the amount of **\$867,643.73 on the SunTrust Notes plus detainer damages** as of May 9, 2011 in the amount of **\$19,707.94** plus **\$74.09** per

day until the date that possession of the Property is given to SunTrust, plus post-judgment interest on the aggregate Judgment of **\$887,351.67** at the federal judgment rate from the date of judgment until paid in full, plus attorney fees and other costs of collection in an amount to be determined by the Court.

6. In light of the grant of summary judgment, Counter-Plaintiff SunTrust Bank's Motion for Preliminary Injunction [Doc. 12] is **DENIED as moot**.

7. This Judgment is a final judgment of the Court, for which execution may issue.

8. The Clerk of Court will be directed to close this case.

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE

**APPROVED FOR ENTRY:**

s/ Madison L. Martin  
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